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Attorneys for Defendant
Performance Health Technology, Ltd., dba
Performance Health Technology, Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

Case No. 6:19-cv-00818-MC

ATRIO HEALTH PLANS, INC., an Oregon corporation; **MID VALLEY IPA, INC.**, an Oregon nonprofit corporation dba WVP Health Authority; **CASCADE COMPREHENSIVE CARE, INC.**, an Oregon corporation; and **UMPQUA HEALTH, LLC**, an Oregon limited liability company,

Plaintiffs,

v.

PERFORMANCE HEALTH TECHNOLOGY, LTD., an Oregon corporation dba **PERFORMANCE HEALTH TECHNOLOGY, INC.**; and **OPTIMA, LLC**, an Oregon limited liability company dba **INTELIGENZ**,

Defendants.

**DEFENDANT PERFORMANCE
HEALTH TECHNOLOGY'S
UNOPPOSED *IN CAMERA* MOTION
FOR LEAVE TO FILE DOCUMENTS
UNDER SEAL**

1- UNOPPOSED MOTION FOR LEAVE TO FILE
DOCUMENT UNDER SEAL

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LR 7-1 COMPLIANCE

Counsel for defendant Performance Health Technology, Ltd. dba Performance Health Technology, Inc. (“PH TECH”) has conferred with counsel for ATRIO Health Plans, Inc., (“ATRIO”), and Mid Valley IPA, Inc. dba WVP Health Authority, Cascade Comprehensive Care, Inc., and Umpqua Health, LLC (collectively, the “Service Area Contractors” and, together with ATRIO, “Plaintiffs”). Plaintiffs do not oppose this motion to file under seal.

MOTION

Pursuant to Local Rules 3-7 and 3-8, PH TECH moves this Court for an order permitting the following documents to be filed under seal:

- Exhibit 1: Administrative Services Agreement between PH TECH and Marion Polk Community Health Plan Advantage, Inc., dated April 20, 2005 (the “2005 Agreement”), (Declaration of Thomas R. Johnson in Support of PH TECH’s Motion for Leave to File Documents Under Seal (“Johnson Decl.”), Ex. 1) (to be filed under seal)
- Exhibit 2: January 1, 2009, Amendment to the 2005 Agreement, (Johnson Decl., Ex. 2) (to be filed under seal)
- Exhibit 3: January 1, 2010, Amendment to the 2005 Agreement, (Johnson Decl., Ex. 3) (to be filed under seal)
- Exhibit 4: Acknowledgment of Consent to Assignment of the 2005 Agreement from Marion Polk Community Health Plan Advantage, Inc. to ATRIO, effective November 1, 201, (Johnson Decl., Ex. 4) (to be filed under seal)
- Exhibit 5: Administrative Services Agreement between PH TECH and ATRIO dated January 1, 2013, (Johnson Decl., Ex. 5) (to be filed under seal)
- Exhibit 6: Administrative Services Agreement between PH TECH and ATRIO dated January 1, 2016, (Johnson Decl., Ex. 6) (to be filed under seal)

DISCUSSION

Plaintiffs filed their Complaint in Marion County Circuit Court on April 25, 2019. (Johnson Decl., Ex. 7). Attached as Exhibits 1-6 of the Complaint are the above-referenced documents, each of which contain highly sensitive and confidential proprietary information, for example, specific pricing information. (Johnson Decl., ¶ 2, Exs. 1-6.). PH TECH informed Plaintiffs of its concerns with these Exhibits having been filed publicly and urged Plaintiffs to move for leave to file these Exhibits under seal, which Plaintiffs then did. (Johnson Decl., Ex. 8). The Circuit Court granted the motion to file these Exhibits under seal and issued the corresponding order on May 15, 2019. (Johnson Decl., Ex. 9.)

Therefore, this request is made pursuant to the unopposed order sealing Exhibits 1-6 to Plaintiffs' complaint, issued in this case in Marion County Circuit Court and signed on May 15, 2019. This order allows for sealing Exhibits 1-6 to Plaintiffs' Complaint, which was originally filed on April 25, 2019, in Marion County Circuit Court. (*Id.*)

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CONCLUSION

Accordingly, PH TECH respectfully requests that the Court grant this motion and enter an order permitting Exhibits 1-6 to Plaintiffs' Complaint to be filed under seal.

DATED: May 31, 2019

PERKINS COIE LLP

By: /s/ Thomas R. Johnson

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